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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,860	10/23/2000	Damian M. Saccocio	06975-062001	8639
26171	7590	07/01/2004	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/693,860

**Applicant(s)**

SACCOCIO, DAMIAN M.

**Examiner**

Saleh Najjar

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-49 is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>May 24, 2004</u> | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the amendment filed on March 19, 2004. Claims 17-30 were amended. Claims 32-49 were newly added. Claims 1-49 are pending. Claims 1-49 represent a method for sharing the personal information of a network user with resources accessed by the user.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace further in view of Middleton, III et al., U.S. Patent No. 6,393,407.

Gerace teaches the invention substantially as claimed including a method and system for determining the behavioral profile of a computer user and providing that information to sponsor servers (see abstract).

As to claim 1, Gerace teaches the computer-implemented method for sharing a user's personal information with a host computer in a networked computing environment, the method comprising:

gathering personal information from a user of a computer network; storing the user's personal information at a first network server; receiving at the first network server a subscription for the user's personal information from another network server; and sending the requested information to the other network server (see fig. 1; col. 3-5, Gerace discloses that users logon to a home page that gathers and organizes user profile information that is provided to ad sponsor servers).

Gerace does not explicitly teach the claimed limitation of receiving at the first network server a request for the user's personal information.

However, Middleton teaches a system and method for tracking the user's micro-interactions with web page advertising (see abstract). Middleton teaches the limitation of

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receiving at the first network server a request for the user's personal information (see fig. 1; col. 5, lines 50-60, Middleton discloses that a get request is issued from a second server to a first server requesting user's personal information).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gerace in view of Middleton so that user's information is requested from a second server. One would be motivated to do so to personalize sponsor information based on individual user's browsing pattern.

As to claim 2, Gerace teaches the method of claim 1, wherein gathering comprises requesting information directly from the user (see col. 4, Gerace discloses that user logon triggers activity and profile tracking at the home page server).

As to claim 3, Gerace teaches the method of claim 1, wherein gathering comprises monitoring user activity (see col. 4).

As to claim 4, Gerace teaches the method of claim 1, wherein gathering comprises soliciting information from others (see col. 5-8).

As to claim 5, Gerace teaches the method of claim 1, wherein the other network server corresponds to a business entity with whom the user is engaged in a transaction (see col. 5-8, Gerace discloses that profile data is provided to sponsor servers).

As to claim 6, Gerace teaches the method of claim 1, wherein personal information includes one or more of the user's name, address, credit card information, telephone number, facsimile number, e-mail address, employer name, employer address, work telephone number, buying history, travel preferences, food preferences, medical information, and personal interests (see col. 4-8).

As to claim 7, Gerace teaches the method of claim 1, wherein storing comprises saving the personal information in a database (see fig. 1; col. 4-6).

As to claim 8, Gerace teaches the method of claim 1, wherein the other network server is controlled by an e-commerce merchant (see col. 3-8).

As to claim 9, Gerace teaches the method of claim 1, wherein the other network server corresponds to a web site (see col. 3-8).

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As to claim 10, Gerace teaches the method of claim 1, further comprising authenticating the user prior to sending the requested information to the other network server (see col. 4-5).

As to claim 11, Gerace teaches method of claim 1, further comprising authenticating a party associated with the other network server prior to sending the requested information to the other network server (see col. 5).

As to claim 12, Gerace teaches the method of claim 10, wherein authenticating comprises verifying a user name and password (see col. 4-5).

As to claim 13, Gerace teaches the method of claim 10.

Gerace fails to teach wherein authenticating comprises checking a digital certificate.

However, "Official Notice" is taken that the concept and advantages of authenticating using checking a digital certificate is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gerace by providing authentication using digital certificates. One would be motivated to do so to provide a reliable and secure communications.

As to claim 14, Gerace teaches the method of claim 11, wherein authenticating comprises verifying a user name and password (see col. 4-5).

Claims 16-27, 29, and 31 do not teach or define any new limitations above claims 1-12, 14 and therefore are rejected for similar reasons.

Claims 15, 28, and 30 do not teach or define any new limitation above claim 13 and therefore are rejected for similar reasons.

4. Claims 32-49 are allowed.

5. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach either singly or in combination the claimed limitation of "receiving from a second server at a first server a request for a user's personal information, wherein the request includes a session identifier and sending from the first server to the second server at least a portion of the user's personal information to the second server

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when the received session identifier corresponds to the session identifier associated with the personal information" as in claims 32-49.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157